

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

ORIGINAL
RECEIVED

MAR - 6 2006

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Midway, Falmouth and Owingsville,)
Kentucky))

Federal Communications Commission
Office of Secretary

MB Docket No. 05-248
RM-11262

DOCKET FILE COPY ORIGINAL

To: Commission's Secretary, Office of the Secretary
Attn: Chief, Audio Division, Media Bureau

COMMENTS IN SUPPORT OF COUNTERPROPOSAL

Educational Media Foundation ("EMF"), by its attorneys and pursuant to Section 1.420 of the Commission's rules, hereby submits Comments in support of its Counterproposal filed September 19, 2005, in response to the above-referenced Notice of Proposed Rule Making ("NPRM").¹ As demonstrated below, EMF's proposed changes to the FM Table of Allotments would result in a preferential arrangement of allocations, and are superior to the changes sought by L.M. Communications of Kentucky, LLC ("LMC"). In addition to providing a first local service to the community of Perryville, Kentucky, EMF's Counterproposal will allow for new service to significantly more people than LMC's proposal would provide. EMF's Counterproposal would also permit the addition of a new channel at West Portsmouth, Ohio, consistent with the counterproposal submitted by West Portsmouth Broadcasting ("WPB") in this proceeding. Moreover, unlike LMC's proposal, EMF's counter proposal will not require any existing stations to uproot their listeners by forcing it to change operating channel in order to accommodate the

¹ Notice of Proposed Rule Making and Order to Show Cause, MB Docket No. 05-248, DA 05-2219, rel. July 27, 2005. By Public Notice dated February 17, 2006, the Commission gave notice of EMF's Counterproposal and gave parties 15 days to file comments. Public Notice, Report No. 2762, released February 17, 2006.

No. of Copies rec'd 044
List A B C D E

proposed changes. Accordingly, EMF's Counterproposal is superior to the initial rule making proposal submitted by LMC and should be granted.

BACKGROUND

The initial NPRM in this proceeding was issued in response to a Petition for Rule Making filed jointly by L.M. Communications of Kentucky, LLC ("LMC"), licensee of WBTF(FM), Channel 300A, Midway, Kentucky, and Gateway Radio Works, Inc. ("Gateway"), licensee of WKCA(FM), Channel 299A, Owingsville, Kentucky (collectively, the "Petitioners"). By this rule making, the Petitioners sought: 1.) the substitution of Channel 298C3 for Channel 300A at Midway, Kentucky, and the modification of the license of WBTF to reflect that new channel; 2.) the substitution of Channel 295A for Channel 299A at Owingsville, Kentucky, and the modification of the WKCA's license accordingly; and 3.) the substitution of Channel 300A for Channel 298A at Falmouth, Kentucky, and modification of the license of WIOK(FM), Falmouth, Kentucky, which is licensed to Hammond Broadcasting, Inc. ("Hammond"). As Hammond was not a party to the Petition for Rule Making, the FCC issued an Order to Show Cause for WIOK(FM) to show why its license should not be modified. Hammond subsequently filed its response on September 19, 2005, demonstrating the harm that would occur if the station were forced to modify its operating channel consistent with the NPRM.

By its Counterproposal, EMF, licensee of WLAI(FM) (formerly call sign WHIR(FM)), Channel 296A, Danville, Kentucky, requested that the Commission amend the FM Table of Allotments contained in Section 73.202(b) of the Commission's rules to: 1.) reallocate Channel 296A from Danville to Wilmore, Kentucky, and modify the license of WLAI(FM) to specify Wilmore as its community of license, and 2.) allot Channel 298A at Perryville, Kentucky, as that community's first local transmission service, in lieu of petitioners' requested channel changes. EMF submitted that its Counterproposal would result in a preferred arrangement of allotments, and that it would apply for the new channel at Perryville, if were to be allocated. In addition, WPB submitted a

Counterproposal requesting the allocation of Channel 294A to West Portsmouth, Ohio as its first local broadcast service.² Subsequently, the Petitioners submitted Reply Comments on October 4, 2005, arguing, *inter alia*, that its initial proposal was preferable to EMF's Counterproposal. As demonstrated herein, however, EMF's proposed changes to the FM Table of Allotments would best serve the public interest and advance the Commission's allotment priorities, and thus, should be granted.

DISCUSSION

I. EMF'S COUNTERPROPOSAL WILL RESULT IN A PREFERENTIAL ARRANGEMENT OF ALLOTMENTS UNDER THE COMMISSION'S RULES.

For several reasons, EMF's Counterproposal is preferable to the Petitioners' proposed channel changes. First, it will provide a first local service to the Perryville community, while Danville, WLAI(FM)'s present community of license, will not be deprived of local service. Contrary to the Petitioners' suggestion, Perryville is clearly a community for allotment purposes, as demonstrated by EMF's Counterproposal. Second, EMF's proposal is preferable as it will result in the provision of a new broadcast service to a greater number of people than would the Petitioners' proposal, and will also permit the allocation of a new channel at West Portsmouth, consistent with WPB's counterproposal, all without displacing any existing stations from their operating channels. Accordingly, EMF's Counterproposal should be granted, as it advances the Commission's allotment goals and would best serve the public interest.

² In addition, RGS Communications, Inc. filed a short letter in response to the NPRM asking that the Commission refrain from making any changes other than the addition of Channel 295A at Owingsville, Kentucky; however, it is not clear that this proposal is technically or legally sufficient and its proposal is not addressed herein.

A. EMF's Counterproposal Will Permit a First Local Service to Perryville, Kentucky, a Qualified Community for Allotment Purposes.

In choosing between conflicting allotment proposals, the Commission applies the following priorities: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters.³ In the instant situation, EMF's Counterproposal advances the Commission's priorities by providing a first local service to the community of Perryville, allotment priority 3, as well as by allowing WLAI(FM) to upgrade its facilities and improve its coverage area, without depriving Danville of local service.⁴ In contrast, Petitioners' proposal would simply readjust the existing allotments to enable existing stations to upgrade their facilities. Thus, on this factor alone, EMF's Counterproposal is preferable to the proposal advanced by the Petitioners.

Contrary to the Petitioners' contention in their Reply Comments, Perryville is a "community" for allotment purposes. As demonstrated in EMF's Counterproposal, Perryville, is an incorporated city of 763, which has the social, economic, and cultural characteristics of a community and warrants a first local aural transmission service. Perryville has its own municipal government comprised of a mayor and six city council members. The city has its own post office and zip code (40468) and maintains its own police and fire departments. Perryville Elementary School, serving preschool through Grade 5, is located in the city and is part of the Boyle County school system. The community also has an active redevelopment authority in the form of the Perryville Enhancement Project, which is working to restore the historical sections of the community and further increase its status as a tourist destination.⁵ In addition, the city is home to

³ Revision of FM Policies and Procedures, 90 FCC 2d 88 (1982). Co-equal weight is given to priorities (2) and (3).

⁴ Danville will continue to be served by WHIR(AM) and WDFB-FM.

⁵ See www.perryville.net (last visited March 6, 2006). In conjunction with the Perryville Enhancement Project, the Perryville Main Street / Renaissance Program is also working on

Footnote continued on next page

several churches, including Perryville Baptist Church, Perryville United Methodist Church, and Perryville First Christian Church Disciples of Christ; civic organizations, including the Perryville Investment Club, and the Lions Club; as well as a number of local businesses, including National City Bank, Perryville Convenient Center, Farmers National Bank, Elmwood Inn,⁶ Leonard Battlefield Food Mart & Deli, and Magnolia Cottage Gift Shoppe.⁷ Thus, Perryville has all of the attributes of a community for allotment purposes.⁸

While Petitioners contend that “Perryville’s heyday occurred in the early- to mid-19th century,”⁹ that does not change the fact that Perryville remains a community today for allotment purposes, with its own government, churches, local businesses, and tourist attractions. One could similarly say that Williamsburg, Virginia’s heyday was in the early 1700s, when it was the seat of power for the burgeoning colony of Virginia, but there is no denying that Williamsburg remains a community today. The fact that a town has a storied past in no way sullies its present standing

Footnote continued from previous page

streetscape and beautification projects, economic development, and residential rehabilitation projects in the community.

⁶ While the Petitioners Reply Comments make much of the fact that the Elmwood Inn is no longer operating as a tea room (Reply Comments at 3-4), a review of the company’s web site reveals that although it no longer serves food to the public, Elmwood Inn is still a thriving local business that produces and publishes a growing line of books, and retails an array of products via the Internet. See www.elmwoodinn.com (last visited March 5, 2006).

⁷ EMF Counterproposal at Exhibit 2. Furthermore, the Petitioners’ implication that Perryville does not suffice as a community for allotment purposes if it does not have a store from which to purchase “necessities” is simply unavailing, and relies on a mischaracterization of Commission precedent. Petitioners cite *Las Vegas and Rowe, New Mexico*, 16 FCC Rcd 2312 (Allocations Br. 2001) for this proposition (Reply Comments at 4), however, that case dealt with an unincorporated rural area with no government, no businesses, no school, and no street addresses. It is clear from a review of the case that the inability to purchase groceries, was the least of the community’s shortcomings, and ultimately not truly a factor in the Commission’s decision. Perryville, in contrast, clearly has all the necessary indicia of a community for allotment purposes.

⁸ Cf. Moncks Corner, Kiawah Island, and Sampit, South Carolina, 15 FCC Rcd 8973 (2000); Pentwater and Walhalla, Michigan, 13 FCC Rcd 6580 (MM Bur. 1998).

⁹ Reply Comments at 3.

as a community for allocation purposes. Notably, the Petitioners can cite to no cases to support its erroneous contention that a reduction in population since the last census, or the closing of a local business evidences a lack of the indicia necessary to warrant community status, as such things are not, in fact, indicia of community status for allotment purposes under the Commission's Rules. Similarly, a handful of photographs of dilapidated buildings in town does not change the town's status as a community for allotment purposes, or in any way undermine the need of remaining businesses, government entities, and civic organizations for a local voice. The Petitioners' half-hearted attack does not change the fact that Perryville is clearly a qualified community for allotment purposes.

B. EMF's Counterproposal Will Achieve Service to a Greater Number of New Listeners than LMC's Proposal.

In addition to bringing a first local service to Perryville, EMF's Counterproposal will also result in greater service gains than the Petitioners' proposal, making it a preferable under allotment priority 4, as well as under allotment priority 3. In particular, the proposed reallocation of WLAI(FM) to Wilmore will permit the upgrade of WLAI(FM), allowing the station to reach 276,335 more people with 60 dBu service than the station reaches today.¹⁰ In addition, the new Perryville allocation would result in the provision of a new 60 dBu service to 77,799 people.¹¹ Moreover, if EMF's Counterproposal were to be adopted, WPB's counterproposal to allot Channel 294A at West Portsmouth, Ohio, could also be implemented without any change to that proposal, resulting in a further gain of service to an additional 91,894 new people.¹² Accordingly, the combined result of reallocating WLAI(FM) from Danville to Wilmore, allotting a new Channel

¹⁰ See Exhibit A-1, and A-2, attached hereto.

¹¹ See Exhibits A-1, and A-2.

¹² See Exhibits A-1, and A-2

298A at Perryville, and allotting a new Channel 294A to West Portsmouth would be new service to a total of **386,128** additional people.¹³

In contrast, even using the most favorable numbers available, the changes advocated by the Petitioners' and set forth in the NPRM would produce a net gain of new service to only 155,866 people.¹⁴ Thus, even ignoring for a moment the fact that EMF's Counterproposal will result in the addition of a first local service to Perryville – a preferred outcome under the Commission's priorities – EMF's Counterproposal will serve significantly more people than the Petitioners' proposal.

In their Reply Comments, the Petitioners also suggest that instead of adding a new Channel 298A to Perryville as that community's first local service, that WBTF(FM) and WLAI(FM) could both upgrade their facilities and Channel 294A at West Portsmouth could be added to the Table. Just as with its original proposal, however, the Petitioners' suggested alternative would result in a gain of new service to far fewer people than those reached by EMF's Counterproposal,¹⁵ not to mention the fact that in order to achieve this inferior arrangement, the Petitioners would deprive Perryville of its first local service.

¹³ See Exhibits 1, A-1, and A-2. The total new service is achieved by comparing the number of persons each new facility will reach and subtracting the persons in the overlapping areas to reach the total number of new listeners gained by the combined changes.

¹⁴ See Exhibits 1, B-1, and B-2 attached hereto. The Petitioners' own estimate of the gain of new service from their proposal is even lower at 142,521 people. See Reply Comments at Exhibit A. The Petitioners claim in their Reply Comments that WPB's proposed allocation of Channel 294A at West Portsmouth could be achieved in conjunction with its proposal, so long as the reference coordinates for the Channel 294A allocation were modified. If accurate, even if the gain in service from West Portsmouth is added to the Petitioners' proposal, the total net gain would be 247,760 people, significantly less than the total gain possible from EMF's Counterproposal.

¹⁵ See Exhibits 1, C-1, and C-2 attached hereto, showing that if the Petitioners' alternative proposal were implemented, it would serve a net total of 266,951 new people, nearly 120,000 fewer people than gain possible from EMF's proposal.

Furthermore, the Petitioners' contention that EMF's proposal is disfavored under the Commission's Rules because it involves, among other things, the relocation of WLAI(FM) from Danville to Wilmore, Kentucky, a smaller community, is simply inaccurate, as the cases the Petitioners cite are inapposite to the present situation. While the Petitioners assert that the "Commission has consistently favored the community with the larger population,"¹⁶ a review of the cited cases reveal that each dealt with a decision based on priority number 4 – other public interest matters.¹⁷ Thus, while the Commission may look to the comparative size of the communities involved in an allotment proceeding if all other things are equal, in the instant situation, the proposals are not equal, as EMF's Counterproposal would clearly achieve a preferential arrangement of allotments under the Commission's allotment priorities with the addition of a new first local service to Perryville, as well as achieve a larger net gain in new service. Accordingly, the size of Wilmore versus Danville is irrelevant, as a determination can be made in this case under the third allotment priority. Moreover, were a decision in this matter to rely on priority number 4, as demonstrated above, EMF's Counterproposal is still superior, as it would provide new service to the greater number of listeners.

C. EMF's Proposal is Also Preferable as it Will Not Require Any Existing Station to Modify its Operating Channel Against its Wishes and to the Detriment of its Listening Audience.

A further factor in favor of EMF's Counterproposal over the Petitioners' proposed modifications is the fact that EMF's proposal would not require any existing stations to modify their operating channel. In order to accommodate the Petitioners' requested changes to the Table, the license of WIOK(FM), licensed to Hammond Broadcasting, Inc., would have to be modified to

¹⁶ Reply Comments at 2.

¹⁷ Ankeny and West Des Moines, Iowa, 15 FCC Rcd 4413 (Allocations Br. 2000) at ¶ 6; Bay St. Louis and Poplarville, Mississippi, 10 FCC Rcd 13144 (Allocations Br. 1995) at ¶ 9; Hallie and Ladysmith, Wisconsin, 10 FCC Rcd 9257 (Allocations Br. 1995) at ¶ 8.

specify operation on Channel 300A, not to mention the change of the Petitioners' own stations. In response to the Order to Show Cause issued in this proceeding, Hammond submitted Comments contending that modification of its license was not in the public interest as it would potentially cause harmful interference and be disruptive to the station's listeners. The modification of an existing station's operating channel, and the relocation of its position on the radio dial, is an invasive and disruptive event. The Commission has noted in the past, its "concerns with respect to proposals involving multiple FM or television channel substitutions."¹⁸ As the Commission has stated:

[t]here can also be a significant amount of confusion to the public from stations changing frequencies. Even though stations do attempt to inform the public of their change in frequency, these efforts are not immediately successful and can result in disruptions to listening and viewing habits and losses of audience. ...[C]hanging a station's frequency is a significant action, which can cause substantial disruptions to a station's business.¹⁹

Such is the case in this proceeding, as the Petitioners would disrupt the operating channels of three existing stations, including one station that has already voiced its opposition to the change. In contrast, EMF's Counterproposal would require no such disruptions.

¹⁸ Amendment of Section 73.303(B) Table of Allotments, FM Broadcast Stations. (Columbus, Central City, Crookston, Kearney, Lexington, McCook, and Valentine, Nebraska, and Hill City, Kansas), Report and Order, 59 RR 2d 1184, at ¶ 4 (1986).

¹⁹ Id.

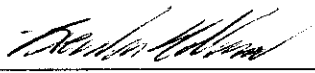
CONCLUSION

As demonstrated by EMF's engineering showing submitted with the Counterproposal, Channel 296A can be allotted at Wilmore and Channel 298A can be allotted at Perryville consistent with Commission rules. Moreover, as demonstrated above and in the underlying Counterproposal, EMF's proposal is superior to the changes proposed by the NPRM.

Accordingly, EMF urges the Commission to adopt its Counterproposal to reallocate Channel 296A from Danville to Wilmore, Kentucky, and modify the license of WLAI(FM) to specify Wilmore as its community of license, allocate Channel 298A at Perryville, Kentucky, as that community's first local transmission service, and allocate Channel 294A at West Portsmouth, Ohio as that community's first local transmission service. EMF reiterates its commitment that should its proposal be adopted, EMF will expeditiously submit a minor change application for a construction permit specifying the new WLAI(FM) facility, and once the construction permit is granted, will proceed promptly to file an application for a covering license for the station licensed to Wilmore. Similarly, EMF reiterates its intention to apply for Channel 298A at Perryville, if allotted, and to construct the facilities should it be granted the construction permit.

Respectfully submitted,

EDUCATIONAL MEDIA FOUNDATION

By: 
David D. Oxenford
Brendan Holland

Its Attorneys

DAVIS WRIGHT TREMAINE LLP
1500 K Street, NW
Suite 450
Washington, DC 20005
(202) 508-6600

Dated: March 6, 2006

EXHIBIT 1

Engineering Statement

Introduction

This Engineering Statement is in support of the counterproposal filed by Educational Media Foundation ("EMF") in regard to MB Docket No. 05-248.

Discussion

In order to show that EMF's proposal is superior, several factors were studied.

1. First, in Exhibit A, EMF's proposal is examined for number of persons receiving new service. Due to the fact that the proposed NEW licensed to West Portsmouth, OH can co-exist with EMF's proposal, the population added by that station was added as well.

Exhibit A-1 is a map showing the 60 dBu contours of WLAI licensed, WLAI proposed Wilmore, NEW proposed Perryville, and the NEW proposed West Portsmouth. Note that 100% of the currently licensed WLAI contour will continue to receive service, thus there is no loss area.

Exhibit A-2 is a population study, showing the number of persons each new facility will add, subtracting the persons already receiving service. Also, any persons within an area of overlap between new proposed stations were subtracted, so that they were not counted more than once. As can be seen, EMF's proposal will result in new service for **386,128** persons.

2. Second, in Exhibit B, the proposal set forth in MB Docket 05-248 was examined for number of persons receiving new service. Also, since the proposed NEW licensed to West Portsmouth, OH cannot co-exist with the proposal without changes, it was not included.

Exhibit B-1 is a map showing the existing WKCA, WBTF, and WIOK 60 dBu contours, as well as the 60 dBu contours for the same, as set forth in their proposal.

Exhibit B-2 is a population study, showing the number of persons each new facility will add, subtracting the persons already receiving service. Also, any persons within an area no longer receiving service from the above mentioned stations were subtracted. Furthermore, any persons within an area of overlap between new proposed stations were subtracted, so that they were not counted more than once. As can be seen, this proposal will result in new service for **155,866** persons

3. Third, drawing on the numbers reported in Exhibits A-2 and B-2, the proposal set forth in MB Docket 05-248 was examined for number of persons receiving new service, including the proposed NEW West Portsmouth, OH. This was examined

because in their reply, the proponents of MB Docket 05-248 claim that with additional engineering work, the NEW West Portsmouth could be adjusted so as to co-exist with their proposal. The number of persons receiving new service is calculated to be 247,760.

4. Finally, in Exhibit C, the comment set forth in their reply, that the proposed WLAI, the proposed WBTF and the proposed NEW West Portsmouth could all co-exist with minor engineering changes, has been examined for number of persons receiving new service.

Exhibit C-1 is a map showing both the existing 60 dBu contours for WBTF, WLAI and the 60 dBu contours as set forth in the reply.

Exhibit C-2 is a population study, showing the number of persons the combined WBTF and WLAI facilities will cover and the persons added by the NEW West Portsmouth facility. Also, any persons within an area no longer covered by either WBTF or WLAI were subtracted. As can be seen, this proposal will result in new service for 266,951 persons

Conclusion

As can be seen by the population studies above, clearly the proposal that offers the most benefit to the public is the EMF proposal. The EMF proposal has a population gain of 119,177 more persons than the nearest competing proposal.

Therefore, EMF respectfully requests that the Commission show preference to its proposal.

Respectfully submitted,



David Velasquez
Application Coordinator
Educational Media Foundation
March 6, 2006



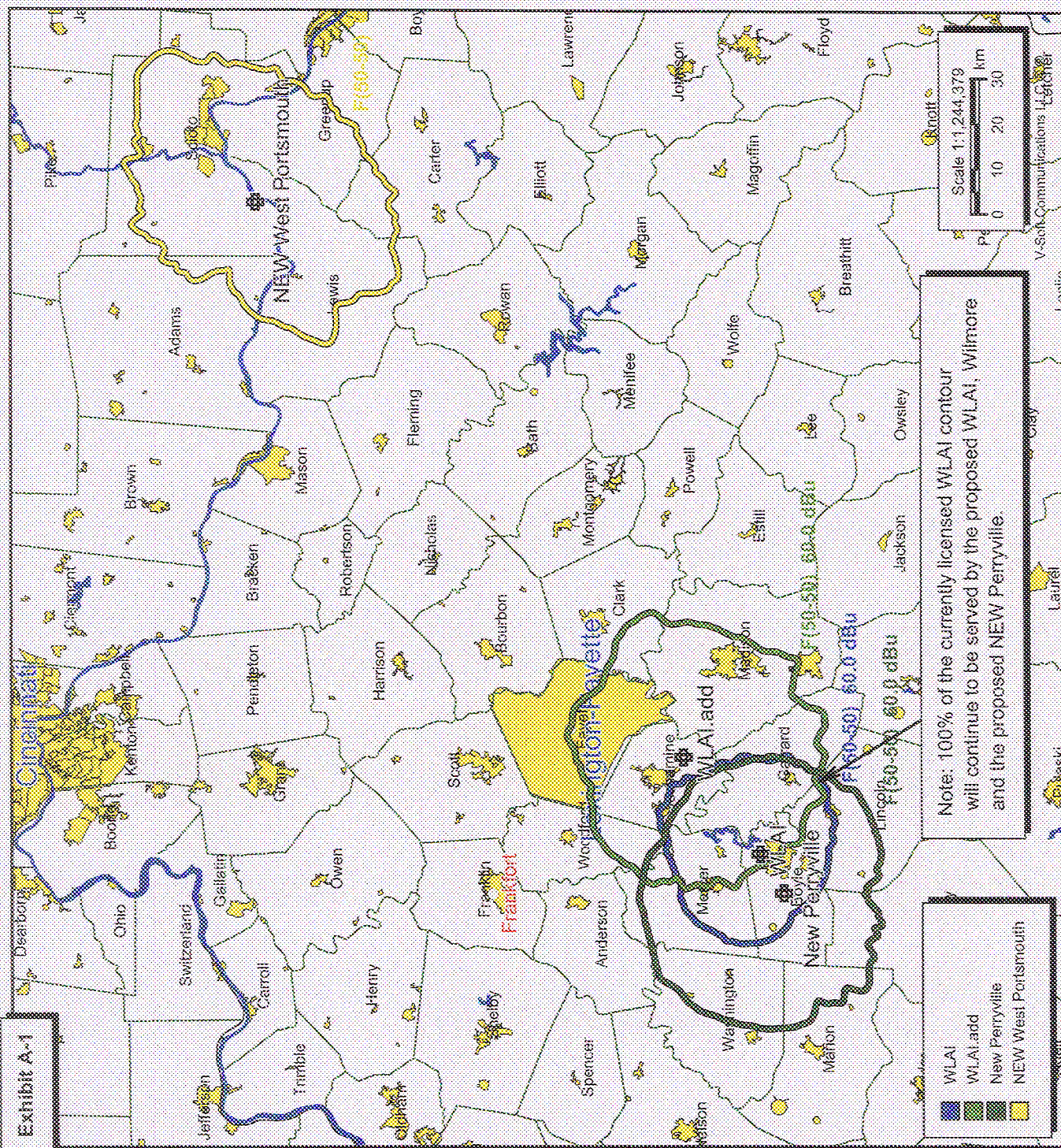
WLAI
 BKELED20050131AQF
 Latitude: 37-40-28 N
 Longitude: 084-46-06 W
 ERP: 4.90 kW
 Channel: 296
 Frequency: 107.1 MHz
 AMSL Height: 325.0 m
 Elevation: 272.0 m

WLAI.add
 Latitude: 37-49-36 N
 Longitude: 084-31-42 W
 ERP: 6.00 kW
 Channel: 296
 Frequency: 107.1 MHz
 AMSL Height: 357.53 m
 Elevation: 272.74 m

New Perryville
 Latitude: 37-37-40 N
 Longitude: 084-51-57 W
 ERP: 6.00 kW
 Channel: 298
 Frequency: 107.5 MHz
 AMSL Height: 394.3 m
 Elevation: 293.97 m

NEW West Portsmouth
 Latitude: 38-39-57 N
 Longitude: 083-07-59 W
 ERP: 6.00 kW
 Channel: 294
 Frequency: 106.7 MHz
 AMSL Height: 355.0 m
 Elevation: 235.59 m

Exhibit A-1



Scale 1:1,244,379
 0 10 20 30 km

Note: 100% of the currently licensed WLAI contour will continue to be served by the proposed WLAI, Wilmore and the proposed NEW Perryville.

WLAI
 WLAI.add
 New Perryville
 NEW West Portsmouth

Educational Media Foundation

Exhibit A-2

5700 West Oaks Boulevard ♦ Rocklin ♦ California ♦ 95765

Page 1

Summary:

WLAI.add.....314,867
NEW Perryville..... 77,799
NEW West Portsmouth..... 91,894
WLAI.add/Perryville overlap.... -545^a
WLAI/WLAI.add overlap.....-38,532
WLAI/Perryville overlap.....-59,355

TOTAL gain.....386,128

----- WLAI.add

Call Letters: WLAI.add
Latitude: 37-49-36 N
Longitude: 084-31-42 W
ERP: 6.00 kW
Channel: 296
Frequency: 107.1 MHz
AMSL Height: 357.83 m
Elevation: 272.74 m
Horiz. Antenna Pattern: Omni

Contour Parameters:
Type: FCC Contour
F(50-50) FS: 60.00 dBu [360 Radials]

Population Database: 2000 US Census (SF1)

Primary Terrain: V-Soft 30 Second US Database

Total Population Within Contour: 314,867
Total Housing Units Within Contour: 136,625
Total Area Within Contour: 2488.55 sq. km

----- NEW Perryville

Call Letters: New Perryville
Latitude: 37-37-40 N
Longitude: 084-51-57 W
ERP: 6.00 kW
Channel: 298
Frequency: 107.5 MHz
AMSL Height: 394.3 m

^a This number of persons does not include persons already subtracted in the next two entries

Educational Media Foundation

Exhibit A-2

5700 West Oaks Boulevard ♦ Rocklin ♦ California ♦ 95765

Page 2

Elevation: 293.97 m
Horiz. Antenna Pattern: Omni

Contour Parameters:
Type: FCC Contour
F(50-50) FS: 60.00 dBu [360 Radials]

Population Database: 2000 US Census (SF1)

Primary Terrain: V-Soft 30 Second US Database

Total Population Within Contour: 77,799
Total Housing Units Within Contour: 33,284
Total Area Within Contour: 2469.31 sq. km

NEW West Portsmouth

Call Letters: NEW West Portsmouth
Latitude: 38-39-57 N
Longitude: 083-07-59 W
ERP: 6.00 kW
Channel: 294
Frequency: 106.7 MHz
AMSL Height: 355.0 m
Elevation: 235.59 m
Horiz. Antenna Pattern: Omni

Contour Parameters:
Type: FCC Contour
F(50-50) FS: 60.00 dBu [360 Radials]

Population Database: 2000 US Census (SF1)

Primary Terrain: V-Soft 30 Second US Database

Total Population Within Contour: 91,894
Total Housing Units Within Contour: 39,895
Total Area Within Contour: 2586.02 sq. km

WLAI.add / New Perryville

Polygon Population Report

Population Database: 2000 US Census (SF1)

Total Population: 545

Educational Media Foundation

5700 West Oaks Boulevard ♦ Rocklin ♦ California ♦ 95765

Exhibit A-2

Page 3

Housing Units: 231
Polygon Area: 47.98 sq. km

WLAI.add / WLAI

This overlap region consists of the intersection of the following contours:

WLAI.add: FCC F(50-50) 60.00 dBu
WLAI: FCC F(50-50) 60.00 dBu

Population Database: 2000 US Census (SF1)

Total Population Within Overlap Region: 38,532
Total Housing Units Within Overlap Region: 15,674
Total Area Within Overlap Region: 721.45 sq. km

New Perryville / WLAI

This overlap region consists of the intersection of the following contours:

New Perryville: FCC F(50-50) 60.00 dBu
WLAI: FCC F(50-50) 60.00 dBu

Population Database: 2000 US Census (SF1)

Total Population Within Overlap Region: 59,355
Total Housing Units Within Overlap Region: 25,452
Total Area Within Overlap Region: 1145.93 sq. km

100

31419930724KD

arXiv:1803.03424v2 [math.CO] 23 Feb 2018

channel. 700

at Cambridge

WXC33P

Longitude: 083.36.18

Channel: 295

1. $\frac{1}{2} \log 2$



□ 32.03/04

! oratitude: 084-39-18

Channel, 298

Address: Wainwright

55



Educational Media Foundation

5700 West Oaks Boulevard ♦ Rocklin ♦ California ♦ 95765

Exhibit B-2

Page 1

Summary:

WBTF.P.....479,846
WKCA.P..... 48,042
WIOK.P..... 54,808
WBTF loss..... -160
WKCA loss..... -17,115
WIOK loss..... -377
WBTF/WBTF.P overlap....-308,523
WKCA/WKCA.P overlap.... -35,428
WIOK/WIOK.P overlap.... -54,150
WBTF.P/WIOK.P overlap.. -11,077

TOTAL gain.....155,866

----- WBTF.proposed

Call Letters: WBTF.P
File Number:
Latitude: 38-06-25 N
Longitude: 084-33-19 W
ERP: 25.00 kW
Channel: 298
Frequency: 107.5 MHz
AMSL Height: 375.29 m
Elevation: 273.63 m
Horiz. Antenna Pattern: Omni

Contour Parameters:
Type: FCC Contour
F(50-50) FS: 60.00 dBu [360 Radials]

Population Database: 2000 US Census (SF1)

Primary Terrain: V-Soft 30 Second US Database

Total Population Within Contour: 479,846
Total Housing Units Within Contour: 206,813
Total Area Within Contour: 4806.10 sq. km

----- WKCA.proposed

Call Letters: WKCA.P
File Number:
Latitude: 38-08-34 N
Longitude: 083-36-18 W
ERP: 6.00 kW
Channel: 295
Frequency: 106.9 MHz

Educational Media Foundation

5700 West Oaks Boulevard ♦ Rocklin ♦ California ♦ 95765

Exhibit B-2

Page 2

AMSL Height: 350.57 m
Elevation: 208.6 m
Horiz. Antenna Pattern: Omni

Contour Parameters:
Type: FCC Contour
F(50-50) FS: 60.00 dBu [360 Radials]

Population Database: 2000 US Census (SF1)

Primary Terrain: V-Soft 30 Second US Database

Total Population Within Contour: 48,042
Total Housing Units Within Contour: 21,296
Total Area Within Contour: 2499.18 sq. km

WIOK.proposed

Call Letters: WIOK.P
File Number:
Latitude: 38-35-13 N
Longitude: 084-21-40 W
ERP: 6.00 kW
Channel: 300
Frequency: 107.9 MHz
AMSL Height: 322.875 m
Elevation: 255.6 m
Horiz. Antenna Pattern: Omni

Contour Parameters:
Type: FCC Contour
F(50-50) FS: 60.00 dBu [360 Radials]

Population Database: 2000 US Census (SF1)

Primary Terrain: V-Soft 30 Second US Database

Total Population Within Contour: 54,808
Total Housing Units Within Contour: 23,084
Total Area Within Contour: 2491.31 sq. km

WBTF loss

Polygon Population Report

Population Database: 2000 US Census (SF1)

Total Population: 160

Educational Media Foundation

5700 West Oaks Boulevard ♦ Rocklin ♦ California ♦ 95765

Exhibit B-2

Page 3

Housing Units: 79
Polygon Area: 26.83 sq. km

WKCA loss

Polygon Population Report

Population Database: 2000 US Census (SF1)

Total Population: 17,115
Housing Units: 7,648
Polygon Area: 476.05 sq. km

WIOK loss

Polygon Population Report

Population Database: 2000 US Census (SF1)

Total Population: 377
Housing Units: 119
Polygon Area: 20.58 sq. km

WBTF/WBTF.P overlap

This overlap region consists of the intersection of the following contours:

WBTF.P: FCC F(50-50) 60.00 dBu
WBTF: FCC F(50-50) 60.00 dBu

Population Database: 2000 US Census (SF1)

Total Population Within Overlap Region: 308,523
Total Housing Units Within Overlap Region: 134,637
Total Area Within Overlap Region: 2536.21 sq. km

WKCA/WKCA.P overlap

This overlap region consists of the intersection of the following contours:

WKCA.P: FCC F(50-50) 60.00 dBu
WKCA: FCC F(50-50) 60.00 dBu

Population Database: 2000 US Census (SF1)

Total Population Within Overlap Region: 35,428
Total Housing Units Within Overlap Region: 15,177
Total Area Within Overlap Region: 1789.02 sq. km

WIOK/WIOK.P overlap

This overlap region consists of the intersection of the following contours:

WIOK.P: FCC F(50-50) 60.00 dBu
WIOK: FCC F(50-50) 60.00 dBu

Population Database: 2000 US Census (SF1)

Total Population Within Overlap Region: 54,150
Total Housing Units Within Overlap Region: 22,822
Total Area Within Overlap Region: 2454.96 sq. km

WBTF.P / WIOK.P

This overlap region consists of the intersection of the following contours:

WBTF.P: FCC F(50-50) 60.00 dBu
WIOK.P: FCC F(50-50) 60.00 dBu

Population Database: 2000 US Census (SF1)

Total Population Within Overlap Region: 11,077
Total Housing Units Within Overlap Region: 4,852
Total Area Within Overlap Region: 325.58 sq. km



Exhibit C-1

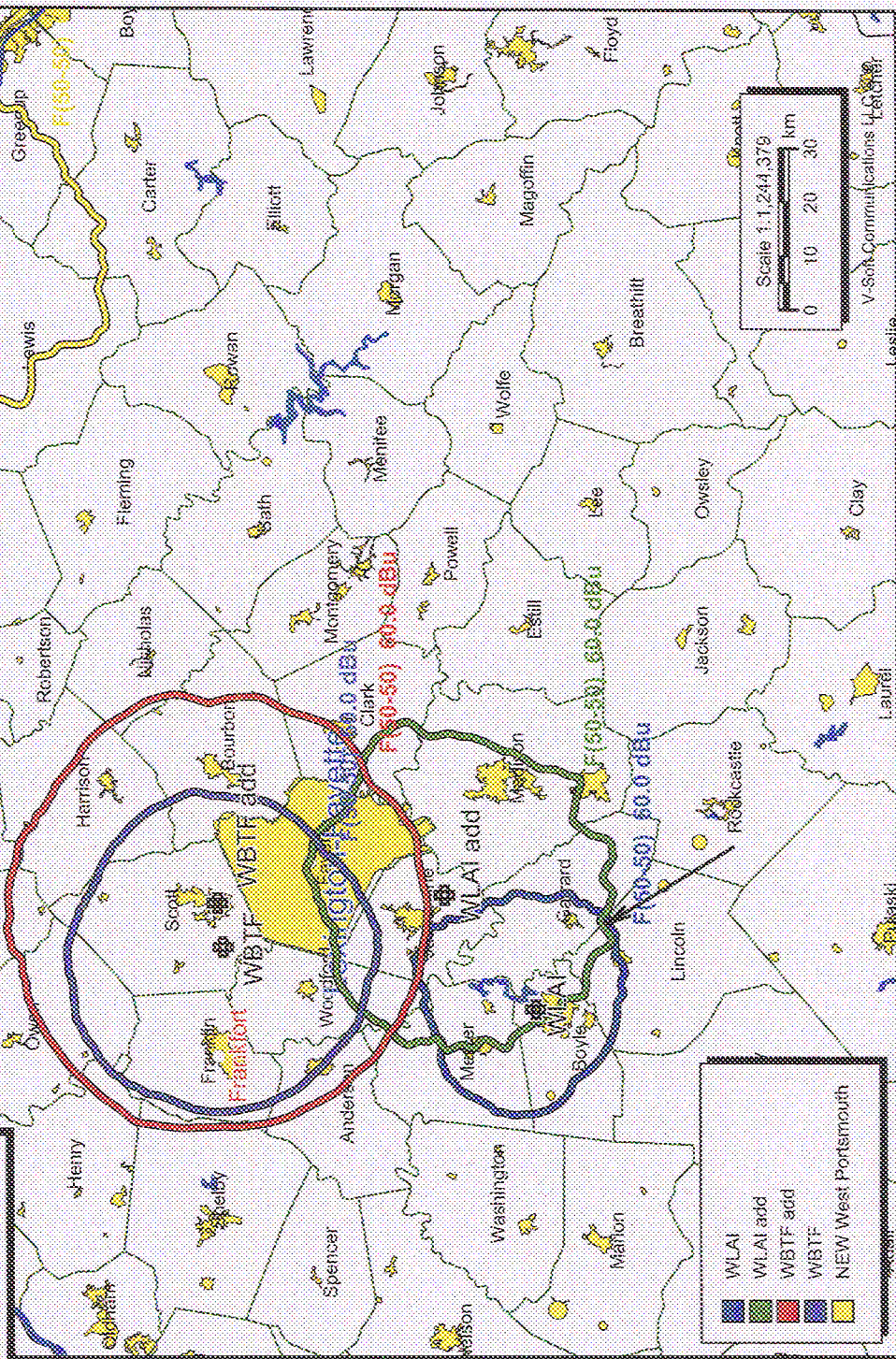
WLAI
 BMLD20050131AQF
 Latitude: 37-40-28 N
 Longitude: 084-46-06 W
 ERP: 4.90 kW
 Channel: 296
 Frequency: 107.1 MHz
 AMSL Height: 325.0 m
 Elevation: 272.0 m

WLAI add
 Latitude: 37-49-36 N
 Longitude: 084-31-42 W
 ERP: 6.00 kW
 Channel: 296
 Frequency: 107.1 MHz
 AMSL Height: 357.83 m
 Elevation: 272.74 m

WBTF
 BLH19981016KA
 Latitude: 38-11-41 N
 Longitude: 084-38-25 W
 ERP: 6.00 kW
 Channel: 300
 Frequency: 107.9 MHz
 AMSL Height: 359.0 m
 Elevation: 271.0 m

WBTF add
 Latitude: 38-12-15 N
 Longitude: 084-32-51 W
 ERP: 25.00 kW
 Channel: 298
 Frequency: 107.5 MHz
 AMSL Height: 368.921 m
 Elevation: 258.1 m

NEW West Portsmouth
 Latitude: 38-39-57 N
 Longitude: 083-07-59 W
 ERP: 6.00 kW
 Channel: 294
 Frequency: 106.7 MHz
 AMSL Height: 355.0 m
 Elevation: 235.59 m



Educational Media Foundation

5700 West Oaks Boulevard ♦ Rocklin ♦ California ♦ 95765

Exhibit C-2

Page 1

Summary:

Union of WBTF add/WLAI add.....548,959
NEW West Portsmouth..... 91,894
Persons continuing to receive WLAI....-38,532
Persons continuing to receive WBTF...-308,683
Loss from grant of WLAI Wilmore
and not NEW Perryville.....-26,687

Total persons receiving new service...266,951

Union of WBTF.add/WHIR Wilmore

This overlap region consists of the union of the following
contours:

WLAI add: FCC F(50-50) 60.00 dBu
WBTF add: FCC F(50-50) 60.00 dBu

Population Database: 2000 US Census (SF1)

Total Population Within Overlap Region: 548,959
Total Housing Units Within Overlap Region: 236,524
Total Area Within Overlap Region: 6658.12 sq. km

NEW West Portsmouth

Call Letters: NEW West Portsmouth
Latitude: 38-39-57 N
Longitude: 083-07-59 W
ERP: 6.00 kW
Channel: 294
Frequency: 106.7 MHz
AMSL Height: 355.0 m
Elevation: 235.59 m
Horiz. Antenna Pattern: Omni
Vert. Elevation Pattern: No
Contour Parameters:
Type: FCC Contour
F(50-50) FS: 60.00 dBu [360 Radials]

Population Database: 2000 US Census (SF1)

Primary Terrain: V-Soft 30 Second US Database

Total Population Within Contour: 91,894
Total Housing Units Within Contour: 39,895
Total Area Within Contour: 2586.02 sq. km

Educational Media Foundation

5700 West Oaks Boulevard ♦ Rocklin ♦ California ♦ 95765

Exhibit C-2

Page 2

Persons continuing to receive WLAI

WLAI / WLAI add

This overlap region consists of the intersection of the following contours:

WLAI: FCC F(50-50) 60.00 dBu

WLAI add: FCC F(50-50) 60.00 dBu

Population Database: 2000 US Census (SF1)

Total Population Within Overlap Region: 38,532

Total Housing Units Within Overlap Region: 15,674

Total Area Within Overlap Region: 721.45 sq. km

Persons continuing to receive WBTF

This overlap region consists of the intersection of the following contours:

WBTF add: FCC F(50-50) 60.00 dBu

WBTF: FCC F(50-50) 60.00 dBu

Population Database: 2000 US Census (SF1)

Total Population Within Overlap Region: 308,683

Total Housing Units Within Overlap Region: 134,716

Total Area Within Overlap Region: 2562.79 sq. km

Loss from grant of WLAI Wilmore and not NEW Perryville

WLAI current..... 65,219

Those continuing to receive WLAI....-38,532

Total loss..... 26,687

Call Letters: WLAI

File Number: BMLED20050131AQF

Latitude: 37-40-28 N

Longitude: 084-46-06 W

ERP: 4.90 kW

Channel: 296

Frequency: 107.1 MHz

AMSL Height: 325.0 m

Elevation: 272.0 m

Educational Media Foundation

Exhibit C-2

5700 West Oaks Boulevard ♦ Rocklin ♦ California ♦ 95765

Page 3

Horiz. Antenna Pattern: Omni

Contour Parameters:

Type: FCC Contour

F(50-50) FS: 60.00 dBu [360 Radials]

Population Database: 2000 US Census (SF1)

Primary Terrain: V-Soft 30 Second US Database

Total Population Within Contour: 65,219

Total Housing Units Within Contour: 27,254

Total Area Within Contour: 1192.80 sq. km

CERTIFICATE OF SERVICE

I, Rhea Lytle, hereby certify that I have on this 6th day of March, 2006 caused a copy of the foregoing "**COMMENTS IN SUPPORT OF COUNTERPROPOSAL**" to be served by first class U.S. mail, postage prepaid, upon the following:

Victoria M. McCauley*
Media Bureau
Federal Communications Commission
445 12th Street, SW, Room 2-C222
Washington, DC 20554

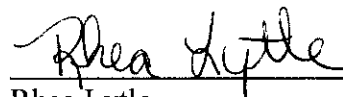
John F. Garziglia, Esq.
Michael H. Shacter, Esq.
Womble, Carlyle, Sandridge & Rice, PLLC
1401 Eye Street, NW, Seventh Floor
Washington, DC 20005
Counsel to Gateway Radio Works, Inc.

Sally A. Buckman, Esq.
Leventhal, Senter & Lerman
2000 K Street, NW, Suite 600
Washington, DC 20006
Counsel to L.M. Communications of Kentucky, LLC

John Wells King, Esq.
Garvey Schubert Barer
Fifth Floor, Flour Mill Building
1000 Potomac Street, NW
Washington, DC 20007
Counsel to Hammond Broadcasting, Inc.

Dennis J. Kelly, Esq.
Law Offices of Dennis J. Kelly
P.O. Box 41177
Washington, DC 20018
Counsel to West Portsmouth Broadcasting

Maxie Wolfenbarger, President
RSG Communications, Inc.
2432 Moffett Road
Independence, KY 41051



Rhea Lytle

*Via Hand Delivery